

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 173

Introduced by Senator Liu

February 5, 2013

An act to amend Sections 41976 and 84757 of, and to add Sections 33315 and 76382 to, the Education Code, relating to education funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as amended, Liu. Education funding: adult health and safety education.

(1) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, to execute numerous statutes and policies relating to the funding and governance of public elementary and secondary schools throughout the state. Existing law authorizes the governing board of a school district maintaining secondary schools to establish and maintain classes for adults, as specified.

This bill would require the department, in conjunction with the Office of the Chancellor of the California Community Colleges, to coordinate and issue assessment policy guidelines regarding assessments to be used by school districts and community college districts for purposes of placement in adult education courses offered by those districts. The bill would also require the department and the chancellor's office to jointly establish and implement a comprehensive performance accountability system for adult education courses offered by school districts and community college districts in accordance with prescribed requirements.

(2) Existing law authorizes specified classes and courses to be offered by school districts and county superintendents of schools for purposes of apportionments from the adult education fund.

This bill would delete the existing authorization for adult programs in parenting, home economics, and health and safety education, and adult programs for older adults, to receive apportionments from the adult education fund.

(3) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires specified noncredit community college courses and classes to be eligible for program-based funding from the state. Existing law requires community college districts to charge students a designated enrollment fee, and authorizes community college districts to charge students specified fees relating to, among other things, health services, parking, transportation, student body center buildings and operations, and physical education courses requiring the use of nondistrict facilities. Existing law also prohibits an adult enrolled in a noncredit course from being required to pay a fee of any kind for a class in English and citizenship for foreigners.

This bill would delete the authorization for noncredit community college parenting, older adults, home economics, and health and safety education courses and classes to receive program-based funding from the state. This bill would, notwithstanding the prohibition of the fee for classes in English and citizenship for foreigners, authorize the governing board of a community college district to charge a fee for adult education courses, including classes in English and citizenship, until July 1, 2015, in accordance with specified regulations and procedures.

(4) The bill would require the Commission on Teacher Credentialing and the Academic Senate for California Community Colleges to jointly develop and submit recommendations to ~~the appropriate~~ *specified* policy and fiscal committees of the Legislature for modifying or establishing reciprocity standards for instructors of adult education courses by July 1, 2014.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 33315 is added to the Education Code, to read:

33315. (a) The department, in conjunction with the chancellor's office, shall coordinate and issue assessment policy guidelines regarding assessments to be used by school districts and community college districts for purposes of placement in adult education courses offered pursuant to Sections 41976 and 84757.

(b) The department and the chancellor's office shall jointly establish and implement a comprehensive performance accountability system for adult education courses offered pursuant to Sections 41976 and 84757. The department and the chancellor's office shall develop guidelines and procedures for all adult education funded providers for assessment, evaluation, and data collection to document participant outcomes and placement, and other performance measures they deem appropriate. Performance measures may include receipt of a secondary school diploma or its recognized equivalent, placement in a postsecondary educational institution, training, and employment. To the extent possible, these performance measures shall be consistent with those required and implemented pursuant to the federal Workforce Investment Act of 1998, Title II, Adult Education and Literacy Act (Public Law 105-220). All funded programs shall be required to annually submit demographic and other student-level outcome information.

(c) As used in this section:

(1) "Chancellor's office" means the Office of the Chancellor of the California Community Colleges.

(2) "Department" means the State Department of Education.

SEC. 2. Section 41976 of the Education Code is amended to read:

41976. (a) For purposes of this chapter, the following classes and courses are authorized to be offered by school districts and county superintendents of schools for apportionment purposes from the adult education fund:

(1) Elementary and secondary basic skills and other courses and classes required for the high school diploma. Apportionments for these courses and classes may only be generated by students who do not possess a high school diploma *or high school equivalency*

1 *certification*, except for remedial academic courses or classes in
2 reading, mathematics, and language arts.

3 (2) English as a second language.

4 (3) Classes and courses for immigrants eligible for educational
5 services in citizenship, English as a second language, and
6 workforce preparation classes in the basic skills of speaking,
7 listening, reading, writing, mathematics, decisionmaking and
8 problem solving skills, and other classes required for preparation
9 to participate in job specific technical training.

10 (4) Education programs for adults with disabilities.

11 (5) Short-term career technical education programs with high
12 employment potential.

13 (6) Programs for apprentices.

14 (b) State apportionment shall not be made for any course or
15 class that is not set forth in subdivision (a).

16 SEC. 3. Section 76382 is added to the Education Code, to read:

17 76382. Notwithstanding Section 76380, *in order to ensure that*
18 *community college districts have the capacity to meet the demand*
19 *for adult education courses for recent immigrants*, the governing
20 board of a community college district may charge a fee, pursuant
21 to regulations adopted by the board of governors *and consistent*
22 *with Section 52612*, for classes it offers pursuant to Section 84757,
23 including, but not necessarily limited to, classes in English and
24 citizenship, until July 1, 2015. Any community college district
25 that chooses to charge a fee under this section shall report the
26 amount of the fee, the number of classes, and enrollment in those
27 classes to the chancellor's office of the California Community
28 Colleges. The chancellor's office shall make the information
29 reported under this section available to the Legislative Analyst's
30 Office. The Legislative Analyst's Office shall provide a summary
31 and analysis of the reported information to the ~~appropriate fiscal~~
32 ~~and policy committees of the Legislature~~ *Assembly Committee on*
33 *Budget, the Assembly Committee on Education, the Assembly*
34 *Committee on Higher Education, the Senate Committee on Budget*
35 *and Fiscal Review, and the Senate Committee on Education* by
36 January 1, 2016.

37 SEC. 4. Section 84757 of the Education Code is amended to
38 read:

39 84757. (a) For purposes of this chapter, the following noncredit
40 adult education courses and classes shall be eligible for funding:

1 (1) Elementary and secondary basic skills and other courses and
2 classes such as remedial academic courses or classes in reading,
3 mathematics, and language arts.

4 (2) English as a second language.

5 (3) Classes and courses for immigrants eligible for educational
6 services in citizenship, English as a second language, and work
7 force preparation classes in the basic skills of speaking, listening,
8 reading, writing, mathematics, decisionmaking and problem solving
9 skills, and other classes required for preparation to participate in
10 job-specific technical training.

11 (4) Education programs for persons with substantial disabilities.

12 (5) Short-term vocational programs with high employment
13 potential.

14 (b) State apportionment shall not be made for any course or
15 class that is not set forth in subdivision (a) and for which no credit
16 is given.

17 SEC. 5. The Commission on Teacher Credentialing and the
18 Academic Senate for California Community Colleges shall meet
19 to review their current requirements for noncredit adult education
20 and adult education instructors, and shall develop and submit
21 recommendations to the appropriate policy and fiscal committees
22 of the Legislature for modifying or establishing reciprocity
23 standards for instructors of adult education courses by July 1, 2014.

24 SEC. 6. It is the intent of the Legislature ~~that, beginning that:~~

25 (a) *Nothing in the act that adds this section be construed to*
26 *limit the authority of school districts and community college*
27 *districts to offer adult education programs and courses other than*
28 *those listed in Sections 41976 and 84757 of the Education Code,*
29 *provided that those programs or courses are funded through*
30 *alternative funding sources, including fees, if the district is*
31 *authorized to charge fees.*

32 (b) *Beginning in the 2015–16 fiscal year, base adult education*
33 *funds and noncredit adult education funds shall be allocated to*
34 *providers on the basis of a combination of enrollment and*
35 *performance in courses offered pursuant to Sections 41976 and*
36 *84757 of the Education Code.*